

ATTACHMENT A - TALLMAN

**Declaration of Rod Danielson in Support For
Objection to Plan Confirmation and Request Dismissal**

The Chapter 13 Trustee hereby objects to confirmation of the plan and requests dismissal or conversion of this case on the following grounds and for the following reasons:

The Notice of Hearing and copy of the plan was not served on Riviera Gardens HOA. [FRBP 2002(a)(9) and (b)(3); LBR 3015-1(b)(3)]

There are multiple issues with the plan. Debtor's counsel failed to provide treatment for creditors American Honda and Riviera Gardens HOA in the plan. The IRS is improperly listed in two classes. There are no boxes checked in Section IV of the plan. The plan should be amended and served on all creditors with sufficient notice time.

The plan is infeasible because a claim was filed by the IRS for a priority debt of \$140,176.32 plus \$251,321.10 of secured debt and it is unclear if the Debtor has sufficient income to provide for the claim. [11 U.S.C. §1325(a)(6)]

Debtor failed to file the 2017, 2018, 2020, and 2021 tax returns in violation of 11 U.S.C. §1308(a) and needs to provide a copy to the Trustee after it is filed. [LBR 3015-1(c)(3)]

Schedule D fails to disclose the creditor Riviera Gardens HOA.

Schedule E/F fails to disclose the claim amounts for one or more of the debts listed and the type of debt should be specified since the "other" box is checked for all debts.

Schedule G fails to disclose the lease of Debtor's vehicle.

Schedule H must be amended to answer question #2 correctly.

Schedule I improperly combines income from Debtor's two jobs and should be amended.

Schedule J doesn't include the second trust deed payment amount.

Debtor(s) failed to file the Declaration Setting Forth Post-Petition, Pre-Confirmation Deeds of Trust Payments [LBR Form 3015-1.4]. In addition, any updated form must reflect cumulatively all payments made between the date of filing the petition and the date of the declaration. The Declaration must be filed at least 14 days prior to the confirmation hearing. [LBR 3015-1(m)(6)]

The Debtor(s) must provide an unexpired declaration page of the auto insurance policy (not the insurance card) for all vehicles that the Debtor(s) owns or leases.

I declare under penalty of perjury that the foregoing is true and correct. Signed and dated at Riverside, California on 04/20/2022.

/s/ Rod Danielson
Chapter 13 Trustee

In re: SCOTT TALLMAN	Chapter: 13 Case Number: 6:22-bk-10837-SY
Debtor(s)	

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 3787 University Avenue, Riverside, CA 92501.

A true and correct copy of the foregoing document entitled: **TRUSTEE'S OBJECTION TO PLAN CONFIRMATION AND REQUEST FOR DISMISSAL OR CONVERSION TO CHAPTER 7** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner indicated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF") - Pursuant to controlling General Orders LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **04/20/2022**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

US Trustee: ustpreion16.rs.ecf@gov.com
ECF@THEGRANDELAWFIRM.COM

☐ Service Information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On **04/20/2022**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Debtor
SCOTT TALLMAN
2083 N. VIA MIRALESTE #815
PALM SPRINGS, CA 92262

☐ Service Information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P.5 and/or controlling LBR, on **04/20/2022**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

HONORABLE SCOTT H. YUN
3420 TWELFTH STREET,
COURTROOM 302
RIVERSIDE, CA 92501-3819

☐ Service Information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

04/20/2022

Date

Susan Jones

Type Name


Signature